

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

FEB 05 2010

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Yuk DEPUTY

ANTHONY BRANCH,)
)
Petitioner,)
)
vs.)
)
STATE OF OKLAHOMA,)
)
Respondent.)

No. CIV-10-54-W

ORDER

On January 21, 2010, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and, having determined that petitioner Anthony Branch had adequate funds in his institutional account to pay the filing fee, recommended that the Court deny Branch's request to proceed in forma pauperis. Magistrate Judge Bacharach further recommended that the Court dismiss the matter without prejudice if Branch failed to timely pay the filing fee of \$5.00 or show good cause for his failure to do so. Branch was advised of his right to object to the Report and Recommendation, and the matter now comes before the Court on Branch's Motion to Clarify Filing Fee.

Upon de novo review of the record, the Court

(1) ADOPTS the Report and Recommendation [Doc. 5] issued on January 21, 2010, to the extent that Branch's request to proceed in forma pauperis [Doc. 2] should be and is hereby DENIED;

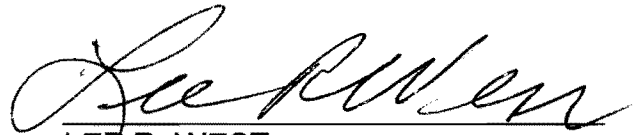
(2) GRANTS Branch's Motion to Clarify Filing Fee [Doc. 8] file-stamped February 4, 2010, to the extent that Branch has requested that the Court verify his timely payment

of the filing fee;

(3) because the record indicates that Branch has paid the filing fee of \$5.00 in full, see Doc. 7, deems MOOT Magistrate Judge Bacharach's suggestion that the Court order Branch to pay the filing fee or suffer dismissal of this matter; and

(4) RE-REFERS this matter to Magistrate Judge Bacharach for further proceedings.

ENTERED this 5th day of February, 2010.


LEE R. WEST
UNITED STATES DISTRICT JUDGE